



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,548	02/21/2006	Yoshimitsu Kagiwada	SHIO-0075	9811

23377 7590 03/25/2010
WOODCOCK WASHBURN LLP
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA, PA 19104-2891

EXAMINER

SINGH, GURKANWALJIT

ART UNIT	PAPER NUMBER
----------	--------------

3624

MAIL DATE	DELIVERY MODE
-----------	---------------

03/25/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/536,548	Applicant(s) KAGIWADA ET AL.	
	Examiner Gurkanwaljit Singh	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20060329</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This non-final Office action is in response to applicant's communication received on May 26, 2005, wherein **claims 1-9** are currently pending.

Priority

2. It is noted that this application appears to claim subject matter disclosed in prior Application No. PCT/JP2002/012551, filed on November 29, 2002. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c). See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, 121, or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii)

Art Unit: 3624

and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. **Claims 1-9** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

5. **Claims 1-9** are drawn to a computer program per se. Computer programs per se intrinsically require no tangible physical structure, thus do not constitute tangible physical articles or other forms of matter. Therefore, computer programs per se are not considered to be statutory subject matter. To be statutory, a computer program must be: (1) coupled with or combined with some statutory physical structure, and, (2) produce or effect some useful, concrete, and tangible result.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 3-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Perkowski et al., (US 2002/0198791).

8. As per **claim 3**, Perkowski discloses a commodity control system comprising information storage means, communication means for communicating with an external device, and information processing means for controlling the operation of each of the means (Abstract, ¶¶ 0016-0020, 0023, 0027, 0014, 0233, 0417-0418), the storage means correlating identification information for identifying a commodity with manufacturer information of a manufacturer who has manufactured the commodity and storing the correlated information as well as correlating the identification information for identifying the commodity with client information of a client who has acquired the commodity and storing the correlated information (¶¶ 0016-0020 [“collect and manage consumer product-related information and transmit the same to consumers in both physical and electronic retail shopping environments including at home, work and on the road...provide such apparatus in the form of a novel consumer-product information collection, management, transmission and delivery system...system with an Internet-based product information database subsystem which, for each commercially available consumer-product, stores a number of information elements including: the name of the manufacturer; the Universal Product Code (UPC) assigned to the product by the manufacturer; one or more URLs specifying the location of information resources (e.g. Web-pages) on the Internet relating to the UPC-labeled consumer-product; and the like...information maintained within the Internet-based product information database

Art Unit: 3624

management subsystem provides a manufacturer-defined consumer-product directory that can be used by various persons along the retail chain”], 0027-0031, 0035-0038, 0051, 0078, 0233 [“computer communications network”], 0417-0418), characterized in that the processing means comprises the steps of

a) correlating the commodity identification information with the manufacturer information to receive the correlated information from a manufacturer terminal through the communication means (¶¶ 0078 [“provide each manufacturer with a novel consumer product information catalog subsystem (RDBMS) for storing and managing media-rich consumer product information content relating to each and every UPN-indexed product that the manufacturer makes, sells and/or distributes to retailers along the retail supply and demand chain”], 0079, 0016-020, 0024, 0046-0049, 0233-0234, 0241, 0417-0418),

b) collating the received identification information with the identification information stored in the storage means (¶¶ 0019 [“provide such a system, in which the URLs stored in the Internet-based product information database are categorically arranged and displayed according to specific types of product information (e.g., product specifications and operation manuals; product wholesalers and retailers; product advertisements and promotions; product endorsements; product updates and reviews; product warranty/servicing; related or complementary products; product incentives including rebates, discounts and/or coupons; etc.) that relate to the kind of information required, desired or otherwise sought by consumers, wholesalers, retailers and/or trading partners; product prices at which the products are being offered for sale by a particular retailer; and the like”], 0079 [“a novel consumer product information catalog

Art Unit: 3624

subsystem (RDBMS) which is realizable as a standalone database application supported on one or more client machines operably connected to the LAN or WAN of the manufacturer's enterprise, and or as a network database information server connected to the LAN or WAN and being accessible to various personnel working within the manufacturer's enterprise, and using Web-enabled client machines to carry out consumer product information content management operations across the enterprise"], 0016-0020, 0024, 0417-0418),

c) specifying, when the received identification information has been matched with the identification information stored in the storage means as a result of the collation, the commodity identified by the received identification information (¶¶ 0016-0020, 0024 ["a system with a number of different modes of operation, namely: a Manufacturer/Product Registration Mode, wherein manufacturers can register their companies and consumer products (e.g. UPC numbers and URLs) with the system; an UPN-Directed Information Access Mode, wherein consumers can access and display information menus containing UPC numbers linked to URLs pointing Web pages containing consumer product related information by scanning the UPC label on the consumer product or by entering the UPC number thereof into a data-entry screen displayed by the system in this mode; a Manufacturer Website Search Mode, wherein the home page of a manufacturer's Web-site can be automatically accessed and displayed by scanning the UPC label on any consumer product of the manufacturer or by entering the UPC number thereof into a data-entry screen displayed by the system in this mode; a Trademark-Directed Search Mode enabling consumers to use trademarks and/or trade

Art Unit: 3624

names associated with consumer products to search for consumer-product related information registered within the system; and a Product-Description Directed Search Mode enabling consumers to use product descriptors associated with particular consumer products to search for consumer-product related information registered within the system”, 0031 [“manufacturers are enabled to simply link (i.e. relate), manage and update within a centralized database, the UPC (and/or UPC/EAN) numbers on their products and the Uniform Resource Locators (URLs) of HTTP-encoded document (i.e. Web pages) containing particular kinds of consumer product-related information published on the Internet by the manufacturers, their agents and/or third parties”], 0052-0054, 0027-0031, 0035-0038, 0051, 0078, 0417-0418),

d) adding the received manufacturer information to the storage means for each of the specified commodities (Abstract [“stores in a central database”], ¶¶ 0019 [“stored in the internet-based product information database”], 0020, 0029, 0031-0034, 0049-0051, 0052-0055, 0233, 0417-0418),

e) correlating the identification information for identifying the commodity with the client information of the client who has acquired the commodity to receive the correlated information from a client terminal through the communication means (¶¶ 0048-0052, 0016-0020, 0024, 0067, 0078, 0091, 0417-0418),

f) collating the received identification information with the identification information stored in the storage means (¶¶ 0048-0052, 0016-0020, 0024, 0067, 0078, 0091, 0417-0418),

g) specifying, when the received identification information has been matched with the identification information stored in the storage means as a result of the collation, the commodity identified by the received identification information (¶¶ 0031 [“consumers, in retail stores, at home, in the office and on the road, are enabled to simply access such consumer product-related information using such UPC (and/or UPC/EAN) numbers and/or by scanning UPC (or UPC/EAN) bar code symbols encoded with such product identification numbers”], 0054-0059, 0016-0020, 0027-0031, 0035-0038, 0051, 0078, 0417-0418), and

h) adding the received client information to the storage means for each of the specified commodities (Abstract [“stores in a central database”], ¶¶ 0019 [“stored in the internet-based product information database”], 0020, 0029, 0031-0034, 0049-0051, 0052-0055, 0233, 0417-0418).

Perkowski does not explicitly state correlating information and collating information. However, correlating means “to place in relation” (“Correlating.” Dictionary.com Unabridged. Random House, Inc. 18 Mar. 2010) and collating means to “gather or arrange in sequence” (“collating.” Dictionary.com Unabridged. Random House, Inc. 18 Mar. 2010). Perkowski does disclose placing information in relation to other information and gathering or arranging information in a certain way/sequence (Abstract, ¶¶ 0016-0020, 0023, 0027, 0014, 0233, 0417-0418).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have correlated and collated information as taught by the

Art Unit: 3624

definitions of the terms and by Perkowski itself, with the motivation to communicate information efficiently by gathering or arranging information in a certain way and to place the information in relation to one another.

9. As per **claim 4**, Perkowski discloses the system above, characterized in that the processing means receives the commodity identification information or the manufacturer information from an information searcher terminal through the communication means, reads out the client information correlated with the received identification information or manufacturer information from the storage means, and transmits the read client information to the information searcher terminal (¶¶ 0037-0043 [“kiosk”], 0049, 0074, 0102-0107, 0133-0140, 0150-0154, 0179, 0182-0186, 0243, 0271-0272, 0280-0281, 0327-0331, 0382-0384, 0417-0418, 0016-0020, 0023, 0027, 0014, 0233).

10. As per **claim 5**, Perkowski discloses the system above, characterized in that the processing means receives the client information from the information searcher terminal through the communication means, reads out from the storage means the identification information or/and manufacturer information correlated with the received client information, and transmits the read identification information or/and manufacturer information to the information searcher terminal (¶¶ 0037-0043 [“kiosk”], 0049, 0074, 0102-0107, 0133-0140, 0150-0154, 0179, 0182-0186, 0243, 0271-0272, 0280-0281, 0327-0331, 0382-0384, 0417).

11. As per **claim 6**, Perkowski discloses the system above, characterized in that the processing means receives the commodity identification information from the

Art Unit: 3624

information searcher terminal through the communication means, reads out from the storage means the manufacturer information correlated with the received identification information, and transmits the read manufacturer information to the information searcher terminal (¶¶ 0037-0043 [“kiosk”], 0049, 0074, 0102-0107, 0133-0140, 0150-0154, 0179, 0182-0186, 0243, 0271-0272, 0280-0281, 0327-0331, 0382-0384, 0417).

12. As per **claim 7**, Perkowski discloses the system above, characterized in that the processing means receives the commodity manufacturer identification information from the information searcher terminal through the communication means, reads out from the storage means the identification information correlated with the received manufacturer information, and transmits the read identification information to the information searcher terminal (¶¶ 0037-0043 [“kiosk”], 0049, 0074, 0102-0107, 0133-0140, 0150-0154, 0179, 0182-0186, 0243, 0271-0272, 0280-0281, 0327-0331, 0382-0384, 0417).

13. As per **claim 8**, Perkowski discloses the system above, wherein the storage means stores the manufacturer information, including process information of manufacturing processes in the manufacturer, the processing means receives, when the received manufacturer information is added to the storage means for each of the specified commodities, the process information included in the manufacturer information from the manufacturer terminal through the communication means for each of the manufacturing processes, and also adds the process information included in the received manufacturer information to the storage means for each of the manufacturing processes (Abstract, ¶¶ 0019, 0016-0020, 0029, 0031-0034, 0049-0051, 0052-0055,

Art Unit: 3624

0233, 0417-0418, 0037-0043 ["kiosk"], 0074, 0102-0107, 0133-0140, 0150-0154, 0179, 0182-0186, 0243, 0271-0272, 0280-0281, 0327-0331, 0382-0384).

14. **Claim 1** recites substantially similar limitations as part of claim 3, and is therefore rejected under the same reasoning and rationale for claim 3 above.

15. **Claim 2** recites substantially similar limitations as part of claim 3, and is therefore rejected under the same reasoning and rationale for claim 3 above.

16. **Claim 9** recites substantially similar limitations as part of claim 3, and is therefore rejected under the same reasoning and rationale for claim 3 above.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gurkanwaljit Singh whose telephone number is (571)270-5392. The examiner can normally be reached on Monday to Thursday 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571)272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. S./
Examiner, Art Unit 3624
March 18, 2010

/Romain Jeanty/
Primary Examiner, Art Unit 3624